



**UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS, TRIBAL
AND PUBLIC AFFAIRS

May 26, 2015

Mr. John Lohrey
ADOT&PF Central Region
Sterling Highway MP 45-60 Project
PO Box 196900
Anchorage, Alaska 99519-6900

Dear Mr. Lohrey:

Thank you for the opportunity to review the Draft Supplemental Environmental Impact Statement for the Sterling Highway Mile Post 45-60 Project in and near Cooper Landing, Alaska (EPA Project # 15-0028-FHW). We have reviewed the Draft SEIS in accordance with our responsibilities under the National Environmental Policy Act, as well as Section 309 of the Clean Air Act. Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our policies and procedures we also evaluate the document's adequacy in meeting NEPA requirements. A copy of our rating system is enclosed (Enclosure 2).

According to the SEIS, this project is intended to address a travel area that ranks high for safety and congestion concerns along the only road route between Anchorage and the communities of the western Kenai Peninsula, including Homer, Kenai and Soldotna. The current highway has limited shoulders, steep inclines, low speed limits, numerous pedestrian crossings and driveway connections, as well as non-existent or limited line of sight around curves. The design has not been substantially upgraded since original construction in the mid-twentieth century. The Federal Highway Administration and the Alaska Department of Transportation and Public Facilities previously completed draft EISs for a larger project (Milepost 37-60) in 1982 and 1994. The project was then redefined and the MP 37-45 Project was separately evaluated and constructed.

In agency discussions and in our formal comments on the previous EISs, we expressed our concerns and objections to various alternatives and alternative components. These concerns primarily stemmed from potential impacts to water quality, aquatic resources, brown bear habitat and habitat connectivity, recreation and designated wilderness. We also identified the need for clear mitigation and monitoring goals as well as a robust cumulative effects analysis in our June 27, 1994, letter from Joan Cabreza to Hank Wilson, State of Alaska DOT. We previously indicated that we preferred Alternative 3R, an alternative that essentially upgraded the existing alignment. We recognize that more recent engineering studies concluded that this is not feasible given the instability of rocks and soils throughout the alignment. Therefore, an existing alignment alternative was not fully analyzed in this analysis.

This most recent Draft SEIS identifies a No Build alternative and four build alternatives (Cooper Creek, G South, Juneau Creek and Juneau Creek Variant) that meet the project's purposes of

improving safety, meeting design standards and reducing congestion to varying degrees. A preferred alternative is not identified. The Draft SEIS indicates that the Juneau Creek alternative will not be selected.

Overall we appreciate the inclusion of additional build alternatives in the Draft SEIS, as well as the additional analysis regarding bear habitat. We commend the document authors for a very reader-friendly document that incorporates useful maps, tables, photos and text boxes. We also believe the document considers a reasonable range of alternatives given the topographic and numerous other limitations presented by the project area. We believe the analysis of direct, indirect and cumulative impacts is quite thorough and addresses many issues that we have raised in our comments on previous EISs for this project.

However, we continue to have concerns and objections regarding the potential impacts associated with all build alternatives. Since a preferred alternative has not been identified, we have rated each alternative in the table below.

Alternative	Impact Rating	Justification
Cooper Creek	EO	Utilizes existing alignment heavily; requires 2 replacement bridges (Kenai River) and 1 new bridge (Cooper Creek); highest impacts to private property; high impacts to recreation; high impacts to cultural/archeological resources; highest number of noise recipients; highest risk of impacts due to spills; may require comprehensive plan amendment; highest impacts to essential fish habitat and flooded wetlands
G South	EO	Utilizes existing alignment heavily; requires 1 replacement bridge (Kenai River Schooner Bend) and 2 new bridges (Kenai River and Juneau Creek); high impacts to private property; high impacts to recreation; high impacts to cultural/archeological resources; highest number of drainage crossings; highest impacts to mapped floodplain; high impacts to essential fish habitat and flooded wetlands; highest impacts to brown bear habitat
Juneau Creek	EC	Requires construction of 1 new bridge (Juneau Creek); high impacts to recreation resources; highest impacts to inventoried roadless area; highest impacts to brown bear and moose habitat; highest impacts to wetlands and vegetation; highest habitat avoidance area; highest impacts to public lands, including Mystery Creek Wilderness
Juneau Creek Variant	EC	Requires construction of 1 new bridge (Juneau Creek); highest impacts to recreation resources; highest impacts to brown bear and moose habitat; high impacts to wetlands and vegetation
No Build	EC	Most existing impacts increase with time and increased traffic

EO = Environmental Objections
EC = Environmental Concerns

For the Cooper Creek and G South alternatives, we believe the potential impacts to the Kenai River and associated floodplain are likely serious and should be avoided, either through design changes, if possible, or mitigation, should either of these alternatives be selected. We have assigned an overall adequacy rating of "1" (Adequate) but request that additional information regarding the issues we have identified within this letter be considered for the Final SEIS.

While we support FHWA and ADOT in their goal to address serious public safety and traffic issues on this stretch of road, our primary environmental concern is with potential impacts to water quality and aquatic resources in the Kenai River and its floodplain. Given that the Juneau Creek and Juneau Creek Variant move impacts away from the Kenai River and its associated floodplain, we have identified these alternatives as environmentally preferable to the other build alternatives. These alternatives also align with the goal of the Kenai River Comprehensive Management Plan to move the road corridor away from the river.

In addition, although the detailed analysis for the determination of the Least Environmentally Damaging Practicable Alternative (LEDPA) has yet to be undertaken, based on the information presented in the Draft SEIS, it appears that one of the Juneau Creek alternatives, or a variation of the two, may be the LEDPA. This conclusion is based not only on the total wetland acreage and functions in the alternative impact areas, but also impacts to the Kenai River and its floodplain. We note that although NEPA does not require lead agencies to select the environmentally preferable alternative, only the LEDPA can be permitted by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. We encourage the applicant to work closely with the Corps and the EPA Region 10 Aquatic Resources Unit on the development of the draft 404(b)(1) analysis. We also request that FHWA and ADOT consider including the draft analysis in the Final SEIS.

Please refer to Enclosure 1 for additional comments regarding climate change and greenhouse gases; the disposition of Unit 395; and wildlife crossings.

We appreciate the opportunity to review the Draft SEIS. Should you have any questions regarding our comments please contact Jennifer Curtis of my staff in Anchorage at (907) 271-6324 or by electronic mail at curtis.jennifer@epa.gov.

Sincerely,



R. David Allnutt, Director
Office of Ecosystems, Tribal and Public Affairs

Enclosures

1. EPA Region 10 Additional Comments on the Draft Supplemental Environmental Impact Statement for the Sterling Highway Mile Post 45-60 Project Statement
2. U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements Definitions and Follow-Up Action

ENCLOSURE 1

EPA Region 10 Additional Comments on the Draft Supplemental Environmental Impact Statement for the Sterling Highway Mile Post 45-60 Project Statement

Disposition of Unit 395

We request that the document authors confirm the disposition of Unit 395. In particular, if management could remain with the State of Alaska instead of being transferred to the Kenai Peninsula Borough, conclusions regarding long-term development of the area may need to be revised (3.27.4.2 Present Actions).

Climate Change and Greenhouse Gas Emissions

While we recognize this document is a (second) SEIS, we recommend that climate change issues be analyzed consistent with the Council on Environmental Quality's (CEQ) December 2014 revised draft guidance for Federal agencies' consideration of GHG emissions and climate change impacts. Accordingly, we recommend the Final SEIS include an estimate of the GHG emissions associated with the project, qualitatively describe relevant climate change impacts, and analyze reasonable alternatives and/or practicable mitigation measures to reduce project-related GHG emissions. More specifics on those elements are provided below. In addition, we recommend that the analysis address the appropriateness of considering changes to the design of the proposal to incorporate GHG reduction measures and resilience to foreseeable climate change. The Final SEIS should make clear whether commitments have been made to ensure implementation of design or other measures to reduce GHG emissions or to adapt to climate change impacts.

More specifically, we suggest the following:

"Affected Environment" Section

- Include in the "Affected Environment" section of the Final SEIS a summary discussion of climate change and ongoing and reasonably foreseeable climate change impacts relevant to the project, based on U.S. Global Change Research Program¹ assessments, to assist with identification of potential project impacts that may be exacerbated by climate change and to inform consideration of measures to adapt to climate change impacts. (Among other things, this will assist in identifying resilience-related changes to the proposal that should be considered).

"Environmental Consequences" Section

- Estimate the GHG emissions associated with the proposal and its alternatives. Example tools for estimating and quantifying GHG emissions can be found on CEQ's NEPA.gov website². For actions which are likely to have less than 25,000 metric tons of CO₂-e emissions/year, provide a qualitative estimate unless quantification is easily accomplished.

¹ <http://www.globalchange.gov/>

² https://ceq.doe.gov/current_developments/GHG_accounting_methods_7Jan2015.html

- The estimated GHG emissions can serve as a reasonable proxy for climate change impacts when comparing the proposal and alternatives. In disclosing the potential impacts of the proposal and reasonable alternatives, consideration should be given to whether and to what extent the impacts may be exacerbated by expected climate change in the action area, as discussed in the “affected environment” section.
- Describe measures to reduce GHG emissions associated with the project, including practicable mitigation opportunities, and disclose the estimated GHG reductions associated with such measures. For example, consider if modifications to the inclines and speeds of each alternative. Alternatives could appreciably reduce the amount of GHG emissions while maintaining comparable level of service. The Final SEIS alternatives analysis should, as appropriate, consider practicable changes to the proposal to make it more resilient to anticipated climate change. We further recommend that the Record of Decision commit to implementation of reasonable mitigation measures that would reduce or eliminate project-related GHG emissions.

Wildlife Crossings

We previously identified impacts to brown bear habitat and habitat connectivity as a serious concern in past comments. We are particularly concerned with the potential impacts to the estimated eleven individuals that are known to utilize the “linkage zone” associated with the Juneau Creek alternatives. We appreciate the additional analysis that has been completed regarding this topic in the Draft SEIS. We believe, however, that this information should be utilized in detailed design to determine appropriate and adequate wildlife crossings for brown bear, especially in the “linkage zone” should FHWA and ADOT select one of the Juneau Creek alternatives. We encourage FHWA and ADOT to work closely with the Alaska Department of Fish and Game and the US Fish and Wildlife Service, Kenai National Wildlife Refuge to develop and incorporate these crossings into the design of the Juneau Creek alternatives. We also recommend that appropriate monitoring efforts to determine the adequacy of the crossings, and the agency responsible for those monitoring efforts, be identified in the Final SEIS.

ENCLOSURE 2
U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action*

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.